

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

2019 DEC -5 PM 2:20

CLERK

BY

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

EMILIO GARCIA,  
a/k/a EMILIO J. GARCIA,  
EMILIO GARCIA-CAPPAS

No.

5:19-cr-161-1

INDICTMENT

The Grand Jury Charges:

COUNT 1

1. From in and about December 2016, through and including January 2017, in the District of Vermont and elsewhere, the defendant, EMILIO GARCIA, knowingly and willfully conspired with others known and unknown to the Grand Jury, to commit offenses against the United States, namely, to acquire firearms in Vermont illegally, using false statements to licensed firearms dealers, and transport the firearms to Massachusetts, in violation of federal firearms laws, including Title 18, United States Code, Sections 922(a)(3) and 922(a)(6).

2. It was a part and an object of the conspiracy that EMILIO GARCIA, and others known and unknown, in connection with the acquisition of firearms in Vermont from a licensed dealer of firearms, within the meaning of Chapter 44, Title 18, United States Code, would and did knowingly make false and fictitious oral and written statements, intended and likely to deceive the firearms dealers as to facts material to the lawfulness of the sale of the firearms, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

3. It was a further part and an object of the conspiracy that EMILIO GARCIA, and others known and unknown, not being licensed importers, manufacturers, dealers, and collectors of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Massachusetts, where EMILIO GARCIA then resided, a Smith & Wesson SD9 .9mm pistol, SN FYK0822, said firearm having been purchased or otherwise obtained by him outside that State, in violation of Title 18, United States Code, Sections 922(a)(3) and 924(a)(1)(D).

#### OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among other, were committed in the District of Vermont and elsewhere:

- a. On or about January 23, 2017, EMILIO GARCIA and a co-conspirator traveled from Massachusetts to Vermont.
- b. On or about January 23, 2017, EMILIO GARCIA and a co-conspirator entered Lost Target Shooting Supplies, a licensed firearms dealer in Pownal, Vermont, and looked at firearms for sale.
- c. On or about January 23, 2017, EMILIO GARCIA identified a handgun that he desired at Lost Target Shooting Supplies: a Smith & Wesson SD9 .9mm pistol, SN FYK0822.
- d. On or about January 23, 2017, EMILIO GARCIA directed a co-conspirator to purchase the above Smith & Wesson pistol for him and provided money for the purchase.
- e. On or about January 23, 2017, the co-conspirator purchased the Smith & Wesson pistol, completing an ATF Form 4473 falsely identifying himself as the "actual transferee/buyer" of the pistol.

f. On or about January 23, 2017, after the co-conspirator purchased the Smith & Wesson pistol at Lost Target Shooting Supplies in Vermont for EMILIO GARCIA, the men returned to Massachusetts with the pistol.

g. On or about January 25, 2017, EMILIO GARCIA and a co-conspirator traveled from Massachusetts to Vermont.

h. On or about January 25, 2017, EMILIO GARCIA and a co-conspirator entered the Bennington Trading Post, a licensed firearms dealer in Bennington, Vermont, and looked at firearms for sale.

i. On or about January 25, 2017, EMILIO GARCIA identified two handguns that he desired at the Bennington Trading Post: a Taurus PT .9mm pistol, SN TJU21720, and a Ruger LCP .380 pistol, SN 371810196.

j. On or about January 25, 2017, EMILIO GARCIA directed a co-conspirator to purchase the above Taurus and Ruger pistols for him and provided money for the purchase.

k. On or about January 25, 2017, a co-conspirator paid for the two pistols and completed an ATF Form 4473, falsely identifying himself as the “actual transferee/buyer” of the pistols.

l. On or about January 25, 2017, after the Bennington Trading Post indicated that the transfer of the two pistols could not take place until the next day, EMILIO GARCIA and the co-conspirator agreed that the next day, January 26, 2017, the co-conspirator would pick-up the Taurus and Ruger pistols at the Bennington Trading Post and bring them to EMILIO GARCIA in Massachusetts.

m. On or about January 26, 2017, the co-conspirator traveled to the Bennington Trading Post in Vermont to pick-up the two pistols purchased the day before for EMILIO GARCIA.

COUNT 2

On or about January 23, 2017, in the District of Vermont, the defendant EMILIO GARCIA, in connection with the acquisition of a firearm, namely a Smith & Wesson SD9 .9mm pistol, SN FYK0822, from Lost Target Shooting Supplies, a licensed firearms dealer, willfully caused another person to knowingly make a false and fictitious statement, which statement was intended and likely to deceive the dealer as to a fact material to the lawfulness of the sale of the firearm.

(18 U.S.C. §§ 922(a)(6) and 2)

COUNT 3

On or about January 23, 2017, in the District of Vermont and elsewhere, the defendant, EMILIO GARCIA, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Massachusetts, where he then resided, a Smith & Wesson SD9 .9mm pistol, SN FYK0822, said firearm having been purchased or otherwise obtained by EMILIO GARCIA outside the State of Massachusetts.

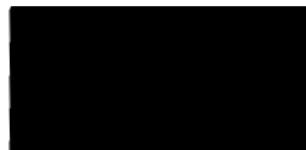
(18 U.S.C. §§ 922(a)(3), 924(a)(1)(D) and 2)

COUNT 4

On or about January 25, 2017, in the District of Vermont, the defendant EMILIO GARCIA, in connection with the attempted acquisition of firearms, namely a Taurus PT .9mm pistol, SN TJU21720, and a Ruger LCP .380 pistol, SN 371810196, from the Bennington Trading Post, a licensed firearms dealer, willfully caused another person to knowingly make a false and fictitious statement, which statement was intended and likely to deceive the dealer as to a fact material to the lawfulness of the sale of the firearms.

(18 U.S.C. §§ 922(a)(6) and 2)

A TRUE BILL



FOREPERSON

C. E. Nolan (wp)  
CHRISTINA E. NOLAN (WBD)  
United States Attorney  
Burlington, Vermont  
December 5, 2019